



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Patent application

Docket No: PA-5047-CTP2

(inventor(s))

for

(title of invention)

the specification of which is being transmitted herewith

OR

In re application of: Timothy A. Chuter Group Art Unit 3308

Examiner

Serial No.: 0 7/ 959,758

Filed: October 21, 1992 For Expandable Transluminal Graft Prosthesis for Repair of Aneurysm and Method of Implanting

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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3308

INFORMATION DISCLOSURE STATEMENT

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 CFR 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

CERTIFICATE OF MAILING

I hereby certify that this Information Disclosure Statement (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

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37 CFR 1.8(a)

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(Signature of person mailing paper)

(Information Disclosure Statement [6-1]—First Page—page 1 of 6)

List of Sections Forming Part of This Information Disclosure Statement.

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. Preliminary Statements
2. FORM PTO - 1449 (Modified)
3. Statement As To Information Not Found in Patents or Publications
4. Identification of Prior Application In Which Listed Information Was Already Cited and For Which No Copies Are Submitted Or Need Be Submitted
5. Cumulative Patents or Publications
6. Copies of Listed Information Items Accompanying This Statement
7. Concise Explanation of Non-English Language Listed Information Items
8. Translation(s) of Non-English Language Documents
9. Concise Explanation of English Language Listed Information Items (Optional)
10. Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections , respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information."
Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**Section 4. Identification of Prior Application In Which Listed Information Was
Already Cited and For Which No Copies Are Submitted Or Need Be
Submitted**

NOTE: "A copy of any patent, publication or other information listed in an information disclosure statement is not required to be provided if it was previously cited by or submitted to the Office in a prior application, provided that the prior application is properly identified in the statement and relied upon for an earlier filing date under 35 U.S.C. 120." 37 CFR 1.98(d).

WARNING: "This exception to the requirement for copies of information does not apply to information which was cited in an international application under the Patent Cooperation Treaty." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

WARNING: "Information which is cited or submitted to the Office in the parent application of a file wrapper continuing application under 37 CFR 1.62 will be part of the file before the examiner and need not be resubmitted in the continuing application. Likewise, the examiner will consider information cited or submitted to the Office in a parent application when examining a continuing application and thus this information need not be resubmitted unless applicant desires the information to be printed on the patent." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

WARNING: While a copy of a non-English language item of information need not be submitted if it was previously submitted to or cited by the Office in a prior application, provided it is properly identified in this statement and this application relies on that earlier filing date under 35 U.S.C. 120, nevertheless, the requirement in § 1.98(a)(3) for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a parent application. The concise explanation must explain the relevance as presently understood by the person designated in § 1.56(c) most knowledgeable about the content of the information: Notice of January 9, 1992, 1135 O.G. 13-25, at 20.

This application relies, under 35 U.S.C. 120, on the earlier filing date of prior application SN 07/782,696 filed on October 25, 1991. The following references were submitted to and/
(date)
or cited by the Office in this prior application and, therefore, are not required to be provided in this application:

Refer to references cited on the enclosed PTO-1449 (Modified).

This application also relies on the earlier filing date of prior application SN 07/868,792 filed on April 15, 1992.

Section 10. Identification of Person(s) Making THIS INFORMATION DISCLOSURE STATEMENT

The person making this statement is

(check each applicable item (a) and (b))

(a) the inventor(s) who signs below

SIGNATURE OF INVENTOR

Type name of inventor who is signing

(b) the attorney who signs below on the basis of:

(check each applicable item)

- the information supplied by the inventor(s)
- an individual associated with the filing and prosecution of this application (37 CFR 1.56(c)).
- the information in the attorney's file

Reg. No.: 30,056

Tel. No. 317/463-7537

SIGNATURE OF ATTORNEY

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